

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHIRLEY DELGADO,

Plaintiff,

v.

TRIBOROUGH BRIDGE AND TUNNEL
AUTHORITY, TIM BAKER, JOHN BARILE,
and WILLIAM DOOLEY,

Defendants.

-----x
**NOTICE OF MOTION
TO DISMISS FIRST
AMENDED COMPLAINT
05 CV 8031(VM)**

PLEASE TAKE NOTICE that upon the memorandum of law in support of the motion to dismiss submitted on behalf of defendants Triborough Bridge and Tunnel Authority (“TBTA”), Tim Baker (“Baker”) and William Dooley (“Dooley”), the declaration of John G. Epstein in support of this motion and exhibits annexed thereto, and upon all prior pleadings and proceedings, defendants TBTA, Baker and Dooley will move this Court before the Honorable Victor Marrero at the United States Courthouse, for the Southern District Court of New York, located at Courtroom 20B, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting this motion to dismiss all claims against them as alleged in the first amended complaint on the grounds that the amended complaint fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, must be served on the undersigned on or before October 19, 2007 and that reply affidavits

and memoranda of law, if any, must be served within five business days after service of the answering papers.

In accordance with the Individual Practices of United States District Judge Marrero, the moving defendants promptly will file by ECF motion papers after service and will also provide courtesy copies to chambers.

Dated: New York, New York
 September 21, 2007

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By:



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